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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,940	12/03/2003	Shuji Kosuge	FP03-165US	5398
1218	7590	10/04/2004	EXAMINER	
CASELLA & HESPOS 274 MADISON AVENUE NEW YORK, NY 10016			GILMAN, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/726,940	Applicant(s)  KOSUGE, SHUJI	
	Examiner Alexander D Gilman	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9 is/are allowed.
- 6) ☒ Claim(s) 1-6, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/03/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10, line 11, recites "a fuse replacement hindering wall (17) of the base (2)". According to the specification (Fig. 2) the wall (17) is a portion of the casing 3.

It was further interpreted that the wall (17) is a portion of the casing 3

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, are rejected under 35 U.S.C. 102(b) as being anticipated by Cameron.

With regard to claim 1, Cameron (US 5,034,620) discloses a battery-connecting member , comprising:

a base including a battery terminal (14) configured for releasable connection to a battery post (116) of a battery , at least one busbar (28) and at least one fuse (20) replaceably disposed in electrical connection between the battery terminal (14) and the busbar (28)', and
a casing (12) disposed between at least portions of the battery (70) and the base , the casing (3) having a fuse replacement hindrance portion (118) for hindering replacement of the fuse (20) when the base is assembled to the

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casing (12).

With regard to claim 2, Cameron discloses that the fuse replacement hindrance portion (118) comprises an operation space closing wall for at least partly closing an operation space for the replacement of the fuse.

With regard to claim 4, Cameron discloses a cover (the top portion of 12) for at least partly covering the base and the casing from a side substantially opposite to the battery (122).

With regard to claim 6, Cameron discloses a battery terminal (14) electrically connected to a first fuse connecting portion (26) and a second fuse connecting portion (26) electrically connected to the busbar (28), wherein the first and second fuse connecting portions (28) are electrically connectable by the fuse (10).

Claims 10, 11, are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese 63-182048.

With regard to claim 10, Japanese 63-182048 discloses (Fig. 1-3) a. method of connecting

a battery (1) to a load terminal, comprising:

providing a base (4,5) having a battery terminal (5a) configured for coupling to a battery post (2) of the battery (1), at least one busbar (4) connectable with the load terminal (11) and at least one fuse connector (4a) between the battery terminal (5a) and the busbar (4);

connecting a fuse (6) to the fuse connector (4a) by moving the fuse (6)

along a fuse connecting direction relative to the fuse connector (4a).,

assembling the base (4) to a casing (3) along an assembling direction

aligned at an angle to the fuse connecting direction (Fig 1, where combination of 3 and 4 being attached to 1 in a direction perpendicular to vertical direction of fuse's insertion) so that the fuse (10) is

partly surrounded by a fuse replacement hindering wall (For example, the top wall of 8) of the casing (3),

mounting the casing (3) on the battery (1)*, and

electrically connecting the battery terminal (5a) to the battery post (2).

With regard to claim 11, Japanese 63-182048 discloses mounting a cover (Fig 3, the door, no r.n.)

to the casing (3) from a side substantially opposite the battery (1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron in view of Matsumara et al.

Cameron discloses all of the limitations except for an operation space closing wall (118) comprising a view-enabling portion so that the fuse can be seen therethrough.

Matsumara et al (US 6,512,443) disclose an view-enabling portion (col. 9, lines 6-7) so that the fuse can be seen therethrough

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Cameron's space closing wall with a view-enabling portion, as taught by Matsumara et al, to inspect status of the fuse.

Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cameron in view of Hill. Cameron discloses all of the limitations except for the cover (the top portion of 12) having at least one locking piece (19) resiliently engageable with the casing

Hill (US 5,645,448) disclose the cover (24) having at least one locking piece (30) resiliently engageable with the casing (20)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Cameron's casing with the cover having at least one locking piece resiliently engageable with the casing, to conveniently operate switch 40.

Allowable Subject Matter

Claims 7-9 are allowed.

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No prior art has been found to anticipate or render obvious the presently claimed subject matter.

Specifically, none of the prior art of record discloses the combination of the limitations presented including the fuse connector having at least one fuse receiving groove opening toward the wall and configured for replaceably receiving the fuse along a direction aligned to intersect the wall, the fuse connector being spaced from the wall a distance selected to require removal of the base from the casing to replace the fuse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander D Gilman whose telephone number is 571 272-2004. The examiner can normally be reached on Monday-Friday, 10:30 a.m. - 8:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571 272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

09/28/2004



ALEXANDER GILMAN
PRIMARY EXAMINER